

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 31076 of 2007(Y)

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PETITIONER:

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K.P.GANGADHARAN,  
KUNNATHUPARAMBIL, "SOUBHAGYA", THEKKUMURI P.O.,  
TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.M.K.DAMODARAN (SR.)  
SRI.K.K.MOHAMED RAVUF  
SRI.P.K.VIJAYAMOHANAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY  
THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM.
2. SRI. C.K.RAMACHANDRAN,  
DEPUTY SUPERINTENDENT OF POLICE, SHORANUR,  
SHORANUR P.O., PALAKKAD DISTRICT.
3. SRI. NARAYANAN,  
ASSISTANT SUB INSPECTOR OF POLICE,  
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,  
SHORANUR, SHORANUR P.O., PALAKKAD DISTRICT.
4. SRI. HYDER,  
THATTARATH HOUSE, KULUKKALLOOR, KOPPAM,  
PATTAMBI, PALAKKAD DISTRICT.

BY GOVT. PLEADER, SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE PASSPORT IMPOUND SLIP ISSUED BY THE REGISTRATION OFFICER, SAHAR AIRPORT, BOMBAY SHOWING THE ARRIVAL ON 9.9.1990 BASED ON THE PERMIT ISSUED FROM KUWAIT ON 22.8.1990.
- EXT.P2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 13.10.2007.
- EXT.P3: COPY OF THE TREATMENT CARD DATED 3.3.1997 OF THE SREE CHITHIRA THIRUNAL INSTITUTE OF MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM.
- EXT.P4: COPY OF THE BILL TOWARDS PAYMENT OF REVIEW CHARGE AND THE TOKEN FOR THE APPOINTMENT.

/TRUE COPY/

P..A. TO JUDGE

JP

**K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.**

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Writ Petition (C) No.31076 of 2007-Y  
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Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that respondents 2 and 3 are harassing him at the instance of the 4<sup>th</sup> respondent. It appears, there is some dispute between the petitioner and the 4<sup>th</sup> respondent concerning the alleged entrustment of some gold to the petitioner by an Arab businessman. The 4<sup>th</sup> respondent claims, he stood as surety for the said transaction. The 4<sup>th</sup> respondent filed a petition before the Police, alleging that the petitioner returned to India, taking the said gold with him and the said respondent was made to spend his last penny to clear the liability to the Arab businessman. On getting such a complaint, the Police summoned both parties and enquired into the matter. In that process, alleging that the petitioner is being harassed, this Writ Petition is filed. The petitioner denies the allegations regarding the aforementioned transaction. He denies having received any gold as alleged. In the statement filed by the 2<sup>nd</sup> respondent, it is submitted as follows :

*“The above referred petition was entered as Petition No.345/2949/A PTN/07 SS dated 22.09.2007 and both parties were summoned to my office and they appeared on 26.09.2007. On enquiry, the counter petitioner, the petitioner herein, refused all the allegations levelled against him. Both parties assured that they were ready to prove their stand and both of them agreed to appear before me on 14.10.2007 with necessary particulars. Thereafter, on 13.10.2007, one of the relatives of the petitioner herein informed about the inability of the petitioner herein to appear before my office on 14.10.2007 stating that Gangadharan's wife is not well. On 14.10.2007 myself intimated the defacto complainant to approach the civil court to redress his grievance, since the offence was occurred outside India years before. Thereafter, the petitioner herein did not appear before me so far. Myself only conducted a fact finding enquiry in a complaint presented before me. Myself or any other subordinate under me never harassed the petitioner in any manner.”*

Recording the above submissions, the Writ Petition is closed. The contentions of both sides are kept open.

**K.BALAKRISHNAN NAIR,JUDGE**

29.10.2007

**T.R.RAMACHANDRAN NAIR, JUDGE**

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